

CHAO HADIDI STARK & BARKER LLP

176 East Main Street, Suite 6
Westborough, MA 01581

Bruce Barker
508 366-3800
bbarker@chsblaw.com

February 4, 2014

Via E-Mail (sullivanysdchambers@nysd.uscourts.gov)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>02-4-14</u>

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
40 Foley Square, Courtroom 905
New York, New York 10007

Re: Princeton Digital Image Corporation v. Hewlett-Packard Co., et al., Case No. 12
Civ. 0779 (RJS)

Dear Judge Sullivan:

Plaintiff Princeton Digital Image Corporation ("PDIC") and defendant Hewlett-Packard Company ("HP") jointly submit this letter to seek permission to conduct the depositions of two non-party witnesses, Kenneth Glick and General Electric Company ("GE"), within two weeks of the February 6, 2014 deadline to complete fact discovery (i.e., on or before February 20, 2014).

PDIC's counsel, who also represents Mr. Glick and GE, agreed to accepted service of the subpoenas for Mr. Glick and GE, which HP completed on January 17, 2014. Mr. Glick's deposition was originally scheduled for February 4, 2014 and GE's was tentatively scheduled for February 6. But Mr. Glick asked to postpone his deposition due to the recent snowstorm, and GE's witness and documents cannot be available on the 6th. All parties are willing to conduct Mr. Glick's and GE's depositions on or before February 20, as a courtesy to Mr. Glick and GE.

The parties have agreed that the scheduling of Mr. Glick's and GE's depositions after February 6, subject to the Court's approval, will not be used by any party as an excuse to delay or seek an extension of any other deadlines in the case (discovery or otherwise). Plaintiff previously sought a six-month extension of the fact discovery deadline, which the Court granted by extending the fact discovery period by one month. *See Revised Case Management Plan and Scheduling Order (Dkt. 353)*. The parties do not

anticipate the scheduling of Mr. Glick's and GE's depositions to impact any other scheduled dates pursuant to the Court's November 14, 2013 Revised Case Management Plan and Scheduling Order (Dkt. 353). Accordingly, the parties respectfully ask the Court to allow the parties to hold the depositions of Mr. Glick and GE on or before February 20, 2014.

Counsel is available should Your Honor have any questions.

Respectfully,

/s/ Bruce j Barker

Bruce J Barker

cc: Counsel of Record

SO ORDERED

Dated:

[Signature]

RICHARD J. SULLIVAN
U.S.D.J.

2/4/14